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Abraham Lincoln's Contemporaries

John C. Calhoun

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2

TO THE
FRIENDS OF PEACE, GOOD ORDER,
AND THE
UNION OF THE STATES,

"THE PALLADIUM OF OUR LIBERTIES."

"Whatever tends to diminish in any country the number of artificers and manufacturers, tends to diminish the home market, the most important of all markets for the rude produce of the land; and thereby still further to discourage agriculture.

"Those systems, therefore, which, preferring agriculture to all other employments, in order to promote it, impose restraints upon manufactures and foreign commerce, act contrary to the very end they propose, and indirectly discourage that species of industry they mean to promote."—Smith's Wealth of Nations, Vol. ii. p. 149.

**MR. CALHOUN'S DEFENCE OF THE TARIFF AND INTERNAL
IMPROVEMENT.***

Substance of Mr. Calhoun's speech, on Mr. Randolph's motion to strike out the minimum valuation on cotton goods, in April, 1816.

The debate heretofore on this subject, has been on the degree of protection which ought to be afforded to our cotton and woollen manufactures: *all professing to be friendly to those infant establishments, and to be willing to extend to them adequate encouragement.* The present motion assumes a new aspect. It is introduced professedly on the ground that manufactures ought not to receive any encouragement; and will, in its operation, leave our cotton establishments exposed to the competition of the cotton goods of the East Indies, which, it is acknowledged on all sides, they are not capable of meeting with success, without the protection contained in the proviso proposed to be stricken out by the motion now under discussion.

Till the debate assumed this new form, Mr. Calhoun said, he had determined to be silent; participating as he largely did, in that general anxiety which is felt, after so long and laborious a session, to return to the bosom of our families. But, on a subject of such vital importance, *touching, as it does, the security and permanent prosperity of our country*, he hoped that the house would indulge him in a few observations. He regretted much his want of preparation—he meant not a verbal preparation; for he had ever despised such; but that due and mature meditation and arrangement of thought, which the house is entitled to on the part of those who occupy any portion of its time. But whatever his arguments might want on that account in

* By this Tract, and Tract No. 1, it appears that Judge Cooper and Mr. Calhoun were formerly arrayed among the most powerful defenders of the protecting system. By the present one, it also appears that the latter gentleman was an advocate of internal improvement. The opinions of both gentlemen have undergone a miraculous change—why, it is difficult to account for.

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weight, he hoped might be made up in the disinterestedness of his situation. He was no manufacturer. He was not from that portion of our country supposed to be peculiarly interested. Coming, as he did, from the south, having, in common with his immediate constituents, no interest, but in the cultivation of the soil, in selling its products high, and buying cheap the wants and conveniences of life, no motives could be attributed to him, but such as were disinterested.

He had asserted that the subject before them was connected with the security of the country. It would, doubtless, by some be considered a rash assertion; but he conceived it to be susceptible of the clearest proof; and he hoped, with due attention, to establish it to the satisfaction of the house.

The security of a country mainly depends on its spirit and its means; and the latter principally on its monied resources. Modified as the industry of this country now is, combined with our peculiar situation and want of a naval ascendancy, *whenever we have the misfortune to be involved in a war with a nation dominant on the ocean, and it is almost only with such we can at present be, the monied resources of the country, to a great extent, must fail.* He took it for granted, that it was the duty of this body to adopt those measures of prudent foresight, which the events of war made necessary. We cannot, he presumed, be indifferent to dangers from abroad, unless, indeed, the house is prepared to indulge in the phantom of eternal peace, which seemed to possess the dreams of some of its members. Could such a state exist, no foresight or fortitude would be necessary to conduct the affairs of the republic; but as it is the mere illusion of the imagination, as every people that ever has or ever will exist, is subjected to the vicissitudes of peace and war—what, then, let us consider, constitute the resources of this country, and what are the effects of war on them? Commerce and agriculture, till lately, almost the only, still constitute the principal sources of our wealth. So long as these remain uninterrupted, the country prospers: but war, as we are now circumstanced, is equally destructive to both. They both depend on foreign markets; and our country is placed, as it regards them, in a situation strictly insular. A wide ocean rolls between us and our markets. Our commerce neither is nor can be protected by the present means of the country. What, then, are the effects of a war with a maritime power—with England? *Our commerce annihilated, spreading individual misery, and producing national poverty; our agriculture cut off from its accustomed markets, the surplus product of the farmer perishes on his hands; and he ceases to produce, because he cannot sell.* His resources are dried up, while his expenses are greatly increased; as all manufactured articles, the necessities, as well as the conveniences of life, rise to an extravagant price. The recent war fell with peculiar pressure on the growers of cotton and tobacco, and other great staples of the country; and the same state of things will recur in the event of another, unless prevented by the foresight of this body. If the mere statement of facts did not carry conviction to every mind, as he conceives it is calculated to do, additional arguments might be drawn from the general nature of wealth. *Neither agriculture, manufactures, nor commerce, taken separately, is the cause of wealth; it flows from the three combined; and cannot exist without each.* The wealth of any single nation, or individual, it is true, may not immediately be derived from the three; but it always presupposes the existence of the three sources, though derived immediately from one or two of them only. Taken in its most enlarged sense, without commerce industry would have no stimulus; *without manufactures, it would be without the means of production; and without agriculture, neither of the others could exist.* When separated entirely and

permanently, they must perish. War, in this country, produces, to a great extent, that separation; and hence, the great embarrassment which follows in its train. The failure of the wealth and resources of the nation necessarily involved the ruin of its finances and its currency. It is admitted, by the most strenuous advocates, on the other side, that no country ought to be dependent on another for its means of defence; that, at least, our musket and bayonet, our cannon and ball, ought to be domestic manufacture. But what, he asked, is more necessary to the defence of a country, than its currency and finance? Circumstanced as our country is, can these stand the shock of war? Behold the effect of the late war on them. *When our manufactures are grown to a certain perfection, as they soon will, UNDER THE FOSTERING CARE OF GOVERNMENT, we will no longer experience those evils.* The farmer will find a ready market for his surplus produce; and, what is almost of equal consequence, a certain and cheap supply of all his wants. His prosperity will diffuse itself to every class in the community; and instead of that languor of industry and individual distress now incident to a state of war and suspended commerce, the wealth and vigour of the community will not be materially impaired. The arm of government will be nerved. *Taxes, in the hour of danger, when essential to the independence of the nation, may be greatly increased. Loans, so uncertain, and hazardous, may be less relied on; thus situated, the storm may beat without, but within all will be quiet and safe.* To give perfection to this state of things, it will be necessary to add, as soon as possible, A SYSTEM OF INTERNAL IMPROVEMENTS, and at least such an extension of our navy as will prevent the cutting off of our coasting trade. The advantage of each is so striking, as not to require illustration, especially after the experience of the recent war. It is thus the resources of this government and people would be placed beyond the power of a foreign war materially to impair.

But it may be said, that the derangement then experienced, resulted not from the cause assigned, but from the errors or the weakness of the government. He admitted that many financial blunders were committed; for this subject was new to us; that the taxes were not laid sufficiently early, or to as great an extent as they ought to have been; and that the loans were in some instances injudiciously made. But he ventured to affirm, that had the greatest foresight and fortitude been exerted, the embarrassment would have been still very great; and that even under the best management, the total derangement which was actually experienced, could not have been postponed eighteen months, had the war so long continued. How could it be otherwise? A war, such as this country was then involved in, in a great measure dries up the resources of individuals, as he had already proved; and the resources of the government are no more than the aggregate of the surplus incomes of individuals called into action by a system of taxation.

It is certainly a great political evil, incident to the character of the industry of this country, that, however, prosperous our situation when at peace, with uninterrupted commerce, and nothing then could exceed it; *the moment that we are involved in war, the whole is reversed. When resources are most needed; when indispensable to maintain the honour, yes, the very existence of the nation, then they desert us.* Our currency is also sure to experience the shock; and becomes so deranged as to prevent us from calling out fairly whatever of means is left to the country. The result of a war, in the present state of our naval power, is the blockade of our coast, and consequent destruction of our trade. The wants and habits of the country, founded on the use of foreign articles, must be gratified. Importation to a certain extent, continues, through the policy of the enemy, or unlawful

traffic. *The exportation of our bulky articles is prevented: the specie of the country is drawn off to pay the balance perpetually accumulating against us: and the final result is the total derangement of our currency.*

To this distressing state of things there are two remedies, and only two; one in our power immediately, the other requiring much time and exertion; but both constituting, in his opinion, the essential policy of this country: he meant the Navy and DOMESTIC MANUFACTURES. By the former, we could open the way to our markets; by the latter *we bring them from beyond the ocean, and naturalize them in our own soil.* Had we the means of attaining an immediate naval ascendancy, he acknowledged that the policy recommended by this bill, would be very questionable; but as it is not the fact—as it is a period remote, with every exertion, and will be probably more so, from that relaxation of exertion so natural in peace, when necessity is not felt, it became the duty of this house to resort, to a considerable extent, at least so far as is proposed, to the only remedy, THE PROTECTION OF OUR MANUFACTURES. But to this it has been objected, that the country is not prepared, and that the result of our premature exertion would be to bring distress on it without effecting the intended object. Were it so, however urgent the reasons in its favor, we ought to desist, as it is folly to oppose the laws of necessity. But he could not for a moment yield to the assertion; on the contrary, he firmly believed that *the country is prepared, even to maturity, for the introduction of manufactures.* We have abundance of resources, and things naturally tend at this moment in that direction. A prosperous commerce has poured an immense amount of commercial capital into the country. *This capital has, till lately, found occupation in commerce; but that state of the world which transferred it to this country, and gave it active employment, has passed away, never to return. Where shall we now find full employment for our prodigious amount of tonnage? where markets for the numerous and abundant products of our country?* This great body of active capital, which for the moment, has found sufficient employment in supplying our markets exhausted by the war, and the restrictive measures preceding it, must find a new direction; it will not be idle. *What channel can it take, but that of manufactures?* This, if things continue as they are, will be its direction. It will introduce a new era into our affairs, in many respects highly advantageous, and ought to be countenanced by the government. Besides, we have already surmounted the greatest difficulty that has ever been found in undertakings of this kind.

The cotton and woollen manufactures are not to be introduced—they are already introduced to a great extent; freeing us entirely from the hazards, and, in a great measure, the sacrifices experienced in giving the capital of the country a new direction. The restrictive measures and the war, though not intended for that purpose, have, by the necessary operation of things, turned a large amount of capital to this new branch of industry. He had often heard it said, both in and out of Congress, during the war, that this effect alone would indemnify the country for all its losses. So high was this tone of feeling, when the want of these establishments was practically felt, that he remembered at that time, when some question was agitated respecting the introduction of foreign goods, that many then opposed it on the grounds of injuring our manufactures. He then said, that war alone furnished sufficient stimulus, and perhaps too much, as it would make their growth unnaturally rapid; but on the return of peace, it would then be time to show our affection for them.

He at that time did not expect *an apathy and aversion to the extent which*

is now seen. But it will, no doubt, be said, if they are so far established, and if the situation of the country is so favourable to their growth, where is the necessity of affording them protection? It is to *put them beyond the reach of contingency.* Besides, capital is not yet, and cannot for some time, be adjusted to the new state of things. There is, in fact, from the operation of temporary causes, a great pressure on these establishments. They had extended so rapidly during the late war, that many, he feared, were without the requisite surplus capital, or skill, to meet the present crisis. Should such prove to be the fact, it would give a backset, and *might, to a great extent, endanger their ultimate success.* *Should the present owners be ruined, and the workmen disperse and turn to other pursuits, the country would sustain a great loss.* Such would, no doubt, be the fact, to a considerable extent, if **THE MANUFACTURES WERE NOT PROTECTED.** Besides, circumstances, if we act with wisdom, are favourable to attract to our country much skill and industry. The country in Europe, (he meant France,) abounding in the most skilful workmen, is prostrated. It is to us, if wisely used, more valuable than the repeal of the Edict of Nantz was to England. She had the prudence to profit by it—let us not discover less political sagacity. *Afford to ingenuity and industry, immediate and ample protection,* and they will not fail to give preference to this free and happy country.

It has been objected to this bill, that it will injure our marine, and consequently impair our naval strength. How far it is fairly liable to this charge he was not prepared to say. He hoped and believed it would not, at least, to any alarming extent, have that effect immediately; and he firmly believed that its lasting operation would be highly beneficial to our commerce. The trade to the East Indies would certainly be much affected; but it was stated in debate, that the whole of that trade employed but 6000 sailors. Whatever might be the loss in this, or other branches of our foreign commerce, he trusted it would be amply compensated in our coasting trade; a branch of navigation wholly in our own hands. It has at all times employed a great amount of tonnage, something more, he believed, than one-third of the whole; nor is it liable to the imputation thrown out by a member from North Carolina, (Mr. Gaston) that it produced inferior sailors. It required long and dangerous voyages; and if his information was correct, no branch of trade made better or more skilful seamen. The fact that it is wholly in our own hands, is a very important one, while every branch of our foreign trade must suffer from competition with other nations. *Other objections of a political character were made to the encouragement of manufactures.* It is said they destroy the moral and physical power of the people. This might formerly have been true to a considerable extent, before the perfection of machinery, and when the success of manufactures depended on the minute subdivision of labour. At that time it required a large proportion of the population of a country to be engaged in them; and every minute subdivision of labour is undoubtedly unfavourable to the intellect; but the great perfection of machinery has in a considerable degree obviated these objections. In fact, it has been stated that the manufacturing districts in England furnish the greatest number of recruits to her army, and that, as soldiers, they are not materially inferior to the rest of her population. It has been further asserted, that manufactures are the fruitful cause of pauperism; and England has been referred to as furnishing conclusive evidence of the fact. For his part, *he could conceive no such tendency in them, but the exact contrary, as they furnish new stimuli to industry, and means of subsistence to the labouring classes of the community.*

We ought not to look to the cotton and woolen establishments of Great Britain for the prodigious numbers of poor with which her population was disgraced. Causes much more efficient exist.—Her poor laws, and statutes regulating the price of labour, with her heavy taxes, were the real causes.—But, if it must be so—if the mere fact that England's manufacturing more than any other country, explained the cause of her having more beggars, it is just as reasonable to refer to the same cause her courage, spirit, and all her masculine virtues, in which she excels all other nations, with a single exception—he meant our own; we, without vanity, challenge a pre-eminence. Another objection had been made, which he must acknowledge was better founded, that capital employed in manufacturing produced a greater dependence on the part of the employed, than in commerce, navigation and agriculture.—It is certainly an evil; and to be regretted; but he did not think it a decisive objection to the system, especially when it had incidental political advantages, which, in his opinion, were more than a counterpoise to it. **IT PRODUCED AN INTEREST STRICTLY AMERICAN, AS MUCH SO AS AGRICULTURE.** *In this it had the decided advantage of commerce or navigation; and the country will from it derive much advantage.* Again, it is calculated to bind together more closely our widely spread republic. It will greatly increase our mutual dependence and intercourse: and will, as a necessary consequence, **EXCITE AN INCREASED ATTENTION TO INTERNAL IMPROVEMENT,** *a subject every way so intimately connected with the ultimate attainment of national strength, and the perfection of our political institutions.* He regarded the fact, that it would make the parts adhere more closely, that it would form a new and most powerful cement, far outweighing any political objections that might be urged against the system. In his opinion, the *liberty* and *union* of this country were inseparably united. That as the destruction of the latter would most certainly involve that of the former; so its maintenance will, with equal certainty, preserve it. He did not speak lightly. He had often and long revolved it in his mind; and he had critically examined into the causes that destroyed the liberty of other states. None of them apply to us, or least with a force to alarm. The basis of our republic is too broad, and its structure too strong to be shaken by them. Its *extension* and *organization* will be found to afford effectual security against their operation; but let it be deeply impressed on the heart of this house and country, that *while they guard against the old, they exposed us to a new and terrible danger—disunion.* **THIS SINGLE WORD COMPREHENDED ALMOST THE SUM OF OUR POTITICAL DANGERS; AND AGAINST IT WE OUGHT TO BE PERPETUALLY GUARDED.**

EFFECTS OF FREE TRADE IN RUSSIA.

Russia was prosperous in 1816, 17, 18, 19; but, fascinated with the theories of Adam Smith and J. B. Say, she adopted a new tariff in 1818, on the delusive plan of letting trade regulate itself.*—In this tariff she abrogated her prohibitions, and lowered her duties. The country was immediately deluged with foreign goods, and in due course, drained of its specie, as we have been in past years, to pay for the surplus of those imports, which far exceeded its exports. The most disastrous consequences took

* The tariff did not go into operation till 1820.

Extract from Mr. Calhoun's speech on the Compensation Law, delivered on the 17th day of Jan., 1817.

He [Mr. Calhoun] found himself, he said, committing an unpardonable error, in presenting arguments to this body. The car of this House on this subject, said he, is sealed against truth and reason.—What has produced this magic spell? Instructions! Well, then, has it come to this? have the People of this country snatched the power of deliberation from this body? have they resolved the Government into its original elements, and resumed to themselves their primi-

tive power of legislation! Are we then a body of individual agents, and not a deliberative one, without the power, but possessing the form of legislation? If such be the fact, let gentlemen produce their instructions, properly authenticated. Let them name the time and place at which the People assembled and deliberated on this question. O, no! they have no written, no verbal instructions; but they have implied instructions. The law is unpopular, and they are bound to repeal it, in opposition to their conscience and reason. Have gentlemen reflected on the consequences of this doctrine? Are we bound in all cases to do what is popular?—If it is true, how are political errors, once prevalent, ever to be corrected? Suppose a party to spring up in this country, whose real views were the destruction of liberty; suppose that by management, by the patronage of officers, by the corruption of the press, they should delude the People, and obtain a majority—and surely such a state of things is not impossible—what, then, will be the effect of this doctrine? Ought we to sit quiet? Ought we to be dumb? or rather ought we to approbate, though we see that liberty is to be engulfed? This doctrine of implied instructions, if I am not mistaken, is a new one, for the first time broached in this House; and if I am not greatly deceived, not more new than dangerous. It is very different in its character and effects from the old doctrine, that the constituents have a right to assemble and formally to instruct the representative; and though I would not hold myself bound to obey any such instructions, yet I conceive that the doctrine is not of a very dangerous character, as the good sense of the People have as yet prevented them from exercising such a right, and will, in all probability, in future prevent them. But this novel doctrine is of a far different character. Such instruction may exist any day and on any subject. It may be always at hand to justify any aberration from political duty.—Mr. C. would ask its advocates, in what do they differ in their actions, from the mere trimmer, the political weather-cock? It is true, the one may have in view his own advancement, in consulting his popularity; and the other may be governed by a mistaken, but conscientious regard to duty; yet, how is the country benefitted by this difference, since they equally abandon the plain road of truth and reason; to worship at the shrine of this political idol? It was said by a member from Massachusetts, (Mr. Conner,) that this right of instruction is only denied in monarchies; and, as a proof of it, he cited the opinion of Mr. Burke, whom he called a pensioner, at the Bristol election. So far is he from being correct, that in none of the free governments of antiquity can he point out the least trace of his doctrine. It

originated in the modern governments of Europe, particularly that of Great Britain. The English Parliament had, at its origin, no other power or duty, but granting money to the Crown; and as the members of that body were frequently urgently pressed to enlarge their money grants, it was a pretty convenient excuse to avoid the squeeze, to say they were not instructed. The gentleman was incorrect in calling Burke a pensioner at the time he delivered the celebrated speech at the Bristol polls. Burke at that time, whatever may have been his subsequent character, was a first rate champion in the cause of liberty and of this country; and if the gentleman would recur to the points in which he refused to obey the instructions of his constituents, it will not greatly increase his affection for such doctrines. That mind must be greatly different from mine, said Mr. C., who can read that speech, and not embrace its doctrines.

I, too, said Mr. C., am an advocate for instructions.—*I am instructed. The Constitution is my letter of instruction.* Written by the hand of the People, stamp with their authority, it admits of no doubt as to its obligation. Your very acts in opposition to its authority, are null.—This is the solemn voice of the People, to which I bow in perfect submission. It is here the *vox Populi* is the *vox Dei*. This is the all-powerful creative voice which spoke our Government into existence, and made us politically as we are. This body is the first orb in the political creation, and stands next in authority to the original creative voice of the People; and any attempt to give a different direction to its movement, from what the Constitution and the deliberate consideration of its members point out, I consider as an innovation on the principles of our Government. This is necessary to make the People really happy; and any one invested with public authority, ought to be as sensibly alive to the People's happiness, as some gentlemen wish the House to be to mere popularity.

It will be seen from the following extract of Mr. Pickering's speech, on the same occasion, that he and Mr. Calhoun agreed perfectly in their sentiments with regard to the right of instruction:

Mr. Pickering said—

"He had received instructions from the Legislature of Massachusetts. As to instructions, whether from the Legislature or the People of a district, he did not admit their validity. If they contain reasons for or against any measure, these will merit a respectful consideration—but instructions, unaccompanied by reasons, were not entitled to the observance of the representatives. He felt humbled that the Legislature of Massachusetts should have descended to this small business; especially as it was one intrusted to Congress by the Constitution."

[From the same.]



The Govern- ment of the United States.

By JOHN C. CALHOUN.

FROM CALHOUN'S "DISCOURSE ON THE CONSTITUTION AND
GOVERNMENT OF THE UNITED STATES."

Ours is a system of government, compounded of the separate governments of the several States composing the Union, and of one common government of all its members, called the Government of the United States. The former preceded the latter, which was created by their agency. Each was framed by written constitutions; those of the several States by the people of each, acting separately, and in their sovereign character; and that of the United States, by the same, acting in the same character,—but jointly instead of separately. All were formed on the same model. They all divide the powers of government into legislative, executive, and judicial; and are founded on the great principle of the responsibility of the rulers to the ruled. The entire powers of government are divided between the two; those of a more general character being specifically delegated to the United States; and all others not delegated, being reserved to the several States in their separate character. Each, within its appropriate sphere, possesses all the attributes, and performs all the functions of government. Neither is perfect without the other. The two combined, form one entire and perfect government. With these preliminary remarks, I shall proceed to the consideration of the immediate subject of this discourse.

The Government of the United States was formed by the Constitution of the United States;—and ours is a democratic, federal republic.

It is democratic, in contradistinction to aristocracy and monarchy. It excludes classes, orders, and all artificial distinctions. To guard against their introduction, the constitution prohibits the granting of any title of nobility by the United States, or by any State.* The whole system is, indeed, democratic throughout. It has for its fundamental principle, the great cardinal maxim, that the people are the source of all power; that the governments of the several States and of the United States were created by them, and for them; that the powers conferred on them are not surrendered, but delegated; and, as such, are held in trust, and not absolutely; and can be rightfully exercised only in furtherance of the objects for which they were delegated.

It is federal as well as democratic. *Federal*, on the one hand, in contradistinction to *national*, and, on the other, to a *confederacy*. In showing this, I shall begin with the former.

It is federal, because it is the government of States united in a political union, in contradistinction to a government of individuals socially united; that is, by what is usually called, a social compact. To express it more concisely, it is federal and not national, because it is the government of a community of States, and not the government of a single State or nation.

That it is federal and not national, we have the high authority of the convention which framed it. General Washington, as its organ, in his letter submitting the plan to the consideration of the Congress of the then confederacy, calls it, in one place,—“the general government of the Union;”—and in another,—“the federal government of these States.” Taken together, the plain meaning is, that the government proposed would be, if adopted, the government of the States adopting it, in their united character as members of a common Union; and, as such, would be a federal government. These expressions were not used without due consideration, and an accurate and full knowledge of their true import. The subject was not a novel one. The convention was familiar with it. It was much agitated in their deliberations. They divided, in reference to it, in the early stages of their proceedings. At first, one party was in favor of a national and the other of a federal government. The former, in the beginning, prevailed; and in the plans which they proposed, the constitution and government

* 1st Art., 9 and 10 Sec.

are styled "National." But, finally, the latter gained the ascendancy, when the term "National" was superseded, and "*United States*" substituted in its place. The constitution was accordingly styled,—"*The constitution of the United States of America*;"—and the government,—"*The government of the United States*;" leaving out "America," for the sake of brevity. It cannot admit of a doubt, that the Convention, by the expression "United States," meant the States united in a federal Union; for in no other sense could they, with propriety, call the government, "*the federal government of these States*,"—and "*the general government of the Union*,"—as they did in the letter referred to. It is thus clear, that the Convention regarded the different expressions,—"*the federal government of the United States*;"—"*the general government of the Union*,"—and,—"*government of the United States*,"—as meaning the same thing,—a federal, in contradistinction to a national government.

Assuming it then, as established, that they are the same, it is only necessary, in order to ascertain with precision, what they meant by "*federal government*,"—to ascertain what they meant by "*the government of the United States*." For this purpose it will be necessary to trace the expression to its origin.

It was, at that time, as our history shows, an old and familiar phrase,—having a known and well-defined meaning. Its use commenced with the political birth of these States; and it has been applied to them, in all the forms of government through which they have passed, without alteration. The style of the present constitution and government is precisely the style by which the confederacy that existed when it was adopted, and which it superseded, was designated. The instrument that formed the latter was called,—"*Articles of Confederation and Perpetual Union*." Its first article declares that the style of this confederacy shall be, "*The United States of America*;" and the second, in order to leave no doubt as to the relation in which the States should stand to each other in the confederacy about to be formed, declared,—"*Each State retains its sovereignty, freedom and independence; and every power, jurisdiction, and right, which is not, by this confederation, expressly delegated to the United States in Congress assembled*." If we go one step further back, the style of the confederacy will be found to be the same with that of the revolutionary government, which existed when it was adopted, and which it

superseded. It dates its origin with the Declaration of Independence. That act is styled,—“The unanimous Declaration of the thirteen United States of America.” And here again, that there might be no doubt how these States would stand to each other in the new condition in which they were about to be placed, it concluded by declaring,—“that these United Colonies are, and of right ought to be, free and independent States”; “and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, and to do all other acts and things which independent States may of right do.” The “United States” is, then, the baptismal name of these States,—received at their birth;—by which they have ever since continued to call themselves; by which they have characterized their constitution, government and laws;—and by which they are known to the rest of the world.

The retention of the same style, throughout every stage of their existence, affords strong, if not conclusive evidence that the political relation between these States, under their present constitution and government, is substantially the same as under the confederacy and revolutionary government; and what that relation was, we are not left to doubt; as they are declared expressly to be “*free, independent and sovereign States.*” They, then, are now united, and have been, throughout, simply as confederated States. If it had been intended by the members of the convention which framed the present constitution and government, to make any essential change, either in the relation of the States to each other, or the basis of their union, they would, by retaining the style which designated them under the preceding governments, have practised a deception, utterly unworthy of their character, as sincere and honest men and patriots. It may, therefore, be fairly inferred, that, retaining the same style, they intended to attach to the expression,—“the United States,” the same meaning, substantially, which it previously had; and, of course, in calling the present government,—“the federal government of these States,” they meant by “federal,” that they stood in the same relation to each other,—that their union rested, without material change, on the same basis,—as under the confederacy and the revolutionary government; and that federal, and confederated States, meant substantially the same thing. It follows, also, that the changes made by the present constitution were not in the foundation, but in the superstructure of the system.

We accordingly find, in confirmation of this conclusion, that the convention, in their letter to Congress, stating the reasons for the changes that had been made, refer only to the necessity which required a different "*organization*" of the government, without making any allusion whatever to any change in the relations of the States towards each other,—or the basis of the system. They state that, "the friends of our country have long seen and desired, that the power of making war, peace, and treaties; that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the Government of the Union: but the impropriety of delegating such extensive trusts to one body of men is evident; hence results the necessity of a *different organization*." Comment is unnecessary.

We thus have the authority of the convention itself for asserting that the expression, "United States," has essentially the same meaning, when applied to the present constitution and government, as it had previously; and, of course, that the States have retained their separate existence, as independent and sovereign communities, in all the forms of political existence, through which they have passed. Such, indeed, is the literal import of the expression,— "the United States,"—and the sense in which it is ever used, when it is applied politically,— I say, *politically*,—because it is often applied, *geographically*, to designate the portion of this continent occupied by the States composing the Union, including territories belonging to them. This application arose from the fact, that there was no appropriate term for that portion of this continent; and thus, not unnaturally, the name by which these States are politically designated, was employed to designate the region they occupy and possess. The distinction is important, and cannot be overlooked in discussing questions involving the character and nature of the government, without causing great confusion and dangerous misconceptions.

But as conclusive as these reasons are to prove that the government of the United States is federal, in contradistinction to national, it would seem, that they have not been sufficient to prevent the opposite opinion from being entertained. Indeed, this last seems to have become the prevailing one; if we may judge from the general use of the term "national," and the almost entire disuse of that of "federal." National is now commonly applied to "the general government of the Union,"

—and “the federal government of these States,”—and all that appertains to them or to the Union. It seems to be forgotten that the term was repudiated by the convention, after full consideration; and that it was carefully excluded from the constitution, and the letter laying it before Congress. Even those who know all this,—and, of course, how falsely the term is applied,—have, for the most part, slid into its use without reflection. But there are not a few who so apply it, because they believe it to be a national government in fact; and among these are men of distinguished talents and standing, who have put forth all their powers of reason and eloquence, in support of the theory. The question involved is one of the first magnitude, and deserves to be investigated thoroughly in all its aspects. With this impression, I deem it proper,—clear and conclusive as I regard the reasons already assigned to prove its federal character,—to confirm them by historical references; and to repel the arguments adduced to prove it to be a national government. I shall begin with the formation and ratification of the constitution.

That the States, when they formed and ratified the constitution, were distinct, independent, and sovereign communities, has already been established. That the people of the several States, acting in their separate, independent, and sovereign character, adopted their separate State constitutions, is a fact uncontested and incontestable; but it is not more certain than that, acting in the same character, they ratified and adopted the constitution of the United States; with this difference only, that in making and adopting the one, they acted without concert or agreement; but, in the other, with concert in making, and mutual agreement in adopting it. That the delegates who constituted the convention which framed the constitution, were appointed by the several States, each on its own authority; that they voted in the convention by States; and that their votes were counted by States,—are recorded and unquestionable facts. So, also, the facts that the constitution, when framed, was submitted to the people of the several States for their respective ratification; that it was ratified by them, each for itself; and that it was binding on each, only in consequence of its being so ratified by it. Until then, it was but the plan of a constitution, without any binding force. It was the act of ratification which established it as a constitution between the States ratifying it; and only between *them*, on the

condition that not less than nine of the then thirteen States should concur in the ratification;—as is expressly provided by its seventh and last article. It is in the following words: “The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.” If additional proof be needed to show that it was only binding between the States that ratified it, it may be found in the fact, that two States, North Carolina and Rhode Island, refused, at first, to ratify; and were, in consequence, regarded in the interval as foreign States, without obligation, on their parts, to respect it, or, on the part of their citizens, to obey it. Thus far, there can be no difference of opinion. The facts are too recent and too well established,—and the provision of the constitution too explicit, to admit of doubt.

That the States, then, retained, after the ratification of the constitution, the distinct, independent, and sovereign character in which they formed and ratified it, is certain; unless they divested themselves of it by the act of ratification, or by some provision of the constitution. If they have not, the constitution must be federal, and not national; for it would have, in that case, every attribute necessary to constitute it federal, and not one to make it national. On the other hand, if they have divested themselves, then it would necessarily lose its federal character, and become national. Whether, then, the government is federal or national, is reduced to a single question; whether the act of ratification, of itself, or the constitution, by some one, or all of its provisions, did, or did not, divest the several States of their character of separate, independent, and sovereign communities, and merge them all in one great community or nation, called the American people?

Before entering on the consideration of this important question, it is proper to remark, that, on its decision, the character of the government, as well as the constitution, depends. The former must, necessarily, partake of the character of the latter, as it is but its agent, created by it, to carry its powers into effect. Accordingly, then, as the constitution is federal or national, so must the government be; and I shall, therefore, use them indiscriminately in discussing the subject.

Of all the questions which can arise under our system of government, this is by far the most important. It involves many others of great magnitude; and among them, that of the

allegiance of the citizen ; or, in other words, the question to whom allegiance and obedience are ultimately due. What is the true relation between the two governments,—that of the United States, and those of the several States? and what is the relation between the individuals respectively composing them? For it is clear, if the States still retain their sovereignty as separate and independent communities, the allegiance and obedience of the citizens of each would be due to their respective States; and that the government of the United States and those of the several States would stand as equals and co-ordinates in their respective spheres; and, instead of being united socially, their citizens would be politically connected through their respective States. On the contrary, if they have, by ratifying the constitution, divested themselves of their individuality and sovereignty, and merged themselves into one great community or nation, it is equally clear, that the sovereignty would reside in the whole,—or what is called the American people; and that allegiance and obedience would be due to them. Nor is it less so, that the government of the several States would, in such case, stand to that of the United States, in the relation of inferior and subordinate, to superior and paramount; and that the individuals of the several States, thus fused, as it were, into one general mass, would be united *socially*, and not *politically*. So great a change of condition would have involved a thorough and radical revolution, both socially and politically,—a revolution much more radical, indeed, than that which followed the Declaration of Independence.

They who maintain that the ratification of the constitution effected so mighty a change, are bound to establish it by the most demonstrative proof. The presumption is strongly opposed to it. It has already been shown, that the authority of the convention which formed the constitution is clearly against it; and that the history of its ratification, instead of supplying evidence in its favor, furnishes strong testimony in opposition to it. To these, others may be added; and, among them, the presumption drawn from the history of these States, in all the stages of their existence down to the time of the ratification of the constitution. In all, they formed separate, and, as it respects each other, independent communities; and were ever remarkable for the tenacity with which they adhered to their rights as such. It constituted, during the whole period, one

of the most striking traits in their character,—as a very brief sketch will show.

During their colonial condition, they formed distinct communities,—each with its separate charter and government,—and in no way connected with each other, except as dependent members of a common empire. Their first union amongst themselves was, in resistance to the encroachments of the parent country on their chartered rights,—when they adopted the title of,—“the United Colonies.” Under that name they acted, until they declared their independence;—always, in their joint councils, voting and acting as separate and distinct communities;—and not in the aggregate, as composing one community or nation. They acted in the same character in declaring independence; by which act they passed from their dependent, colonial condition, into that of free and sovereign States. The declaration was made by delegates appointed by the several colonies, each for itself, and on its own authority. The vote making the declaration was taken by delegations, each counting one. The declaration was announced to be unanimous, not because every delegate voted for it, but because the majority of each delegation did; showing clearly, that the body itself, regarded it as the united act of the several colonies, and not the act of the whole as one community. To leave no doubt on a point so important, and in reference to which the several colonies were so tenacious, the declaration was made in the name, and by the authority of the people of the colonies, represented in Congress; and that was followed by declaring them to be,—“free and independent States.” The act was, in fact, but a formal and solemn annunciation to the world, that the colonies had ceased to be dependent communities, and had become free and independent States; without involving any other change in their relations with each other, than those necessarily incident to a separation from the parent country. So far were they from supposing, or intending that it should have the effect of merging their existence, as separate communities, into one nation, that they had appointed a committee,—which was actually sitting, while the declaration was under discussion,—to prepare a plan of a confederacy of the States, preparatory to entering into their new condition. In fulfilment of their appointment, this committee prepared the draft of the articles of confederation and perpetual union, which afterwards was adopted by the governments of the

several States. That it instituted a mere confederacy and union of the States has already been shown. That, in forming and assenting to it, the States were exceedingly jealous and watchful in delegating power, even to a confederacy; that they granted the powers delegated most reluctantly and sparingly; that several of them long stood out, under all the pressure of the revolutionary war, before they acceded to it; and that, during the interval which elapsed between its adoption and that of the present constitution, they evinced, under the most urgent necessity, the same reluctance and jealousy, in delegating power,—are facts which cannot be disputed.

To this may be added another circumstance of no little weight, drawn from the preliminary steps taken for the ratification of the constitution. The plan was laid, by the convention, before the Congress of the confederacy, for its consideration and action, as has been stated. It was the sole organ and representative of these States in their confederated character. By submitting it, the convention recognized and acknowledged its authority over it, as the organ of distinct, independent, and sovereign States. It had the right to dispose of it as it pleased; and, if it had thought proper, it might have defeated the plan by simply omitting to act on it. But it thought proper to act, and to adopt the course recommended by the convention;—which was, to submit it,—“to a convention of delegates, chosen in each State, by the people thereof, for their assent and adoption.” All this was in strict accord with the federal character of the constitution, but wholly repugnant to the idea of its being national. It received the assent of the States in all the possible modes in which it could be obtained: first,—in their confederated character, through its only appropriate organ, the Congress; next, in their individual character, as separate States, through their respective State governments, to which the Congress referred it; and finally, in their high character of independent and sovereign communities, through a convention of the people, called in each State, by the authority of its government. The States acting in these various capacities, might, at every stage, have defeated it or not, at their option, by giving or withholding their consent.

With this weight of presumptive evidence, to use no stronger expression, in favor of its federal, in contradistinction to its national character, I shall next proceed to show, that the ratification of the constitution, instead of furnishing proof against, contains additional and conclusive evidence in its favor.

We are not left to conjecture, as to what was meant by the ratification of the constitution, or its effects. The expressions used by the conventions of the States, in ratifying it, and those used by the constitution in connection with it, afford ample means of ascertaining with accuracy, both its meaning and effect. The usual form of expression used by the former is:—“We, the delegates of the State,” (naming the State,) “do, in behalf of the people of the State, assent to, and ratify the said constitution.” All use, “ratify,”—and all, except North Carolina, use, “assent to.” The delegates of that State use, “adopt,” instead of “assent to;” a variance merely in the form of expression, without, in any degree, affecting the meaning. Ratification was, then, the act of the several States in their separate capacity. It was performed by delegates appointed expressly for the purpose. Each appointed its own delegates; and the delegates of each, acted in the name of, and for the State appointing them. Their act consisted in, “assenting to,” or, what is the same thing, “adopting and ratifying” the constitution.

By turning to the seventh article of the constitution, and to the preamble, it will be found what was the effect of ratifying. The article expressly provides, that, “the ratification of the conventions of nine States, shall be sufficient for the establishment of this constitution, between the States so ratifying the same.” The preamble of the constitution is in the following words;—“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.” The effect, then, of its ratification was, to ordain and establish the constitution;—and, thereby, to make, what was before but a plan,—“The constitution of the United States of America.” All this is clear.

It remains now to show, *by whom*, it was ordained and established; *for whom*, it was ordained and established; *for what*, it was ordained and established; and *over whom*, it was ordained and established. These will be considered in the order in which they stand.

Nothing more is necessary, in order to show by whom it was ordained and established, than to ascertain who are meant by,—“We, the people of the United States;” for, by their author-

ity, it was done. To this there can be but one answer:—it meant the people who ratified the instrument; for it was the act of ratification which ordained and established it. Who they were, admits of no doubt. The process preparatory to ratification, and the acts by which it was done, prove, beyond the possibility of a doubt, that it was ratified by the several States, through conventions of delegates, chosen in each State by the people thereof; and acting, each in the name and by the authority of its State: and, as all the States ratified it,—“We, the people of the United States,”—mean,—We, the people of the several States of the Union. The inference is irresistible. And when it is considered that the States of the Union were then members of the confederacy,—and that, by the express provision of one of its articles, “each State retains its sovereignty, freedom, and independence,” the proof is demonstrative, that,—“We, the people of the United States of America,” mean the people of the several States of the Union, acting as free, independent, and sovereign States. This strikingly confirms what has been already stated; to wit, that the convention which formed the constitution, meant the same thing by the terms,—“United States,”—and, “federal,”—when applied to the constitution or government;—and that the former, when used politically, always mean,—these States united as independent and sovereign communities.

Having shown, *by whom*, it was ordained, there will be no difficulty in determining, *for whom*, it was ordained. The preamble is explicit;—it was ordained and established for,—“The United States of America;” adding, “America,” in conformity to the style of the then confederacy, and the Declaration of Independence. Assuming, then, that the “United States” bears the same meaning in the conclusion of the preamble, as it does in its commencement, (and no reason can be assigned why it should not,) it follows, necessarily, that the constitution was ordained and established *for* the people of the several States, *by* whom it was ordained and established.

Nor will there be any difficulty in showing, *for what*, it was ordained and established. The preamble enumerates the objects. They are,—“to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” To effect these objects, they ordained and established, to use their own lan-

guage,—“the constitution for the United States of America;”—clearly meaning by “for,” that it was intended to be *their* constitution; and that the objects of ordaining and establishing it were, to perfect *their* union, to establish justice among *them*—to insure *their* domestic tranquillity, to provide for *their* common defence and general welfare, and to secure the blessings of liberty to *them* and *their* posterity. Taken all together, it follows, from what has been stated, that the constitution was ordained and established *by* the several States, as *distinct, sovereign communities*; and that it was ordained and established by them for *themselves*—for their common welfare and safety, as *distinct and sovereign communities*.

It remains to be shown, *over whom*, it was ordained and established. That it was not over *the several States*, is settled by the seventh article beyond controversy. It declares, that the ratification by nine States shall be sufficient to establish the constitution between the States so ratifying. “Between,” necessarily excludes “*over*,”—as that which is *between* States cannot be *over* them. Reason itself, if the constitution had been silent, would have led, with equal certainty, to the same conclusion. For it was the several States, or, what is the same thing, their people, in their sovereign capacity, who ordained and established the constitution. But the authority which ordains and establishes, is higher than that which is ordained and established; and, of course, the latter must be subordinate to the former;—and cannot, therefore, be *over* it. “Between,” always means more than over;—and implies in this case, that the authority which ordained and established the constitution, was the joint and united authority of the States ratifying it; and that, among the effects of their ratification, it became a contract between them; and, *as a compact*, binding on them;—but only as such. In that sense the term, “between,” is appropriately applied. In no other, can it be. It was, doubtless, used in that sense in this instance; but the question still remains, *over whom*, was it ordained and established? After what has been stated, the answer may be readily given. It was *over the government* which it created, and all its functionaries in their official character,—and the individuals composing and inhabiting the several States, as far as they might come within the sphere of the powers delegated to the United States.

I have now shown, conclusively, by arguments drawn from the act of ratification, and the constitution itself, that the sev-

eral States of the Union, acting in their confederated character, ordained and established the constitution; that they ordained and established it for themselves, in the same character; that they ordained and established it for their welfare and safety, in the like character; that they established it as a compact *between* them, and not as a constitution *over* them; and that, as a compact, they are parties to it, in the same character. I have thus established, conclusively, that these States, in ratifying the constitution, did not lose the confederated character which they possessed when they ratified it, as well as in all the preceding stages of their existence; but, on the contrary, still retained it to the full.

Those who oppose this conclusion, and maintain the national character of the government, rely, in support of their views, mainly on the expressions, "we, the people of the United States," used in the first part of the preamble; and, "do ordain and establish this constitution for the United States of America," used in its conclusion. Taken together, they insist, in the first place, that, "we, the people," mean, the people in their individual character, as forming a single community; and that, "the United States of America," designates them in their aggregate character, as the American people. In maintaining this construction, they rely on the omission to enumerate the States by name, after the word "people," (so as to make it read, "We, the people of New Hampshire, Massachusetts, &c.," as was done in the articles of the confederation, and, also, in signing the Declaration of Independence;)—and, instead of this, the simple use of the general term "United States."

However plausible this may appear, an explanation perfectly satisfactory may be given, why the expression, as it now stands, was used by the framers of the constitution; and why it should not receive the meaning attempted to be placed upon it. It is conceded that, if the enumeration of the States after the word, "people," had been made, the expression would have been freed from all ambiguity; and the inference and argument founded on the failure to do so, left without pretext or support. The omission is certainly striking, but it can be readily explained. It was made intentionally, and solely from the necessity of the case. The first draft of the constitution contained an enumeration of the States, by name, after the word "people;" but it became impossible to retain it after

the adoption of the seventh and last article, which provided, that the ratification by nine States should be sufficient to establish the constitution as between *them*; and for the plain reason, that it was impossible to determine, whether all the States would ratify;—or, if any failed, which, and how many of the number; or, if nine should ratify, how to designate them. No alternative was thus left but to omit the enumeration, and to insert the “United States of America,” in its place. And yet, an omission, so readily and so satisfactorily explained, has been seized on, as furnishing strong proof that the government was ordained and established by the American people, in the aggregate,—and is therefore national.

But the omission, of itself, would have caused no difficulty, had there not been connected with it a twofold ambiguity in the expression as it now stands. The term “*United States*,” which always means, in constitutional language, the several States in their confederated character, means also, as has been shown, when applied geographically, the country occupied and possessed by them. While the term “people,” has, in the English language, no plural, and is necessarily used in the singular number, even when applied to many communities or states confederated in a common union,—as is the case with the United States. Availing themselves of this double ambiguity, and the omission to enumerate the States by name, the advocates of the national theory of the government, assuming that, “*we, the people*,” meant individuals generally, and not people as forming States; and that “*United States*” was used in a geographical and not a political sense, made out an argument of some plausibility, in favor of the conclusion that, “we, the people of the United States of America,” meant the aggregate population of the States regarded *en masse*, and not in their distinctive character as forming separate political communities. But in this gratuitous assumption, and the conclusion drawn from it, they overlooked the stubborn fact, that the very people who ordained and established the constitution, are identically the same who ratified it; for it was by the act of ratification alone, that it was ordained and established,—as has been conclusively shown. This fact, of itself, sweeps away every vestige of the argument drawn from the ambiguity of those terms, as used in the preamble.

They next rely, in support of their theory, on the expression,—“ordained and established this constitution.” They admit

that the constitution, in its incipient state, assumed the form of a compact; but contend that, "ordained and established," as applied to the constitution and government, are incompatible with the idea of compact; that, consequently, the instrument or plan lost its federative character when it was ordained and established as a constitution; and, thus, the States ceased to be parties to a compact, and members of a confederated union, and became fused into one common community, or nation, as subordinate and dependent divisions or corporations.

I do not deem it necessary to discuss the question whether there is any incompatibility between the terms,— "ordained and established,"— and that of "compact," on which the whole argument rests; although it would be no difficult task to show that it is a gratuitous assumption, without any foundation whatever for its support. It is sufficient for my purpose, to show, that the assumption is wholly inconsistent with the constitution itself;—as much so, as the conclusion drawn from it has been shown to be inconsistent with the opinion of the convention which formed it. Very little will be required, after what has been already stated, to establish what I propose.

That the constitution regards itself in the light of a compact, still existing between the States, after it was ordained and established; that it regards the union, then existing, as still existing; and the several States, of course, still members of it, in their original character of confederated States, is clear. Its seventh article, so often referred to, in connection with the arguments drawn from the preamble, sufficiently establishes all these points, without adducing others; except that which relates to the continuance of the union. To establish this, it will not be necessary to travel out of the preamble and the letter of the convention, laying the plan of the constitution before the Congress of the confederation. In enumerating the objects for which the constitution was ordained and established, the preamble places at the head of the rest, as its leading object,— "to form a more perfect union." So far, then, are the terms,— "ordained and established," from being incompatible with the union, or having the effect of destroying it, the constitution itself declares that it was intended, "to form a more perfect union." This, of itself, is sufficient to refute the assertion of their incompatibility. But it is proper here to remark, that it could not have been intended, by the expression in the preamble,— "to form a more perfect union,"— to declare, that the

old was abolished, and a new and more perfect union established in its place: for we have the authority of the convention which formed the constitution, to prove that their object was to continue the then existing union. In their letter, laying it before Congress, they say,—“In all our deliberations on this subject, we kept steadily in our view, that which appears to us, the greatest interest of every true American, the consolidation of our union.” “Our union,” can refer to no other than the then existing union,—the old union of the confederacy, and of the revolutionary government which preceded it,—of which these States were confederated members. This must, of course, have been the union to which the framers referred in the preamble. It was this, accordingly, which the constitution intended to make more perfect; just as the confederacy made more perfect, that of the revolutionary government. Nor is there any thing in the term, “consolidation,” used by the convention, calculated to weaken the conclusion. It is a strong expression; but as strong as it is, it certainly was not intended to imply the destruction of the union, as it is supposed to do by the advocates of a national government; for that would have been incompatible with the context, as well as with the continuance of the union,—which the sentence and the entire letter imply. Interpreted, then, in conjunction with the expression used in the preamble,—“to form a more perfect union,”—although it may more strongly intimate closeness of connection; it can imply nothing incompatible with the professed object of perfecting the union,—still less a meaning and effect wholly inconsistent with the nature of a confederated community. For to adopt the interpretation contended for, to its full extent, would be to *destroy* the union, and not to consolidate and perfect it.

If we turn from the preamble and the ratifications, to the body of the constitution, we shall find that it furnishes most conclusive proof that the government is federal, and not national. I can discover nothing, in any portion of it, which gives the least countenance to the opposite conclusion. On the contrary, the instrument, in all its parts, repels it. It is, throughout, federal. It everywhere recognizes the existence of the States, and invokes their aid to carry its powers into execution. In one of the two houses of Congress, the members are elected by the legislatures of their respective States; and in the other, by the people of the several States, not as

composing mere districts of one great community, but as distinct and independent communities. General Washington vetoed the first act apportioning the members of the House of Representatives among the several States, under the first census, expressly on the ground, that the act assumed as its basis, the former, and not the latter construction. The President and Vice-President are chosen by electors, appointed by their respective States; and, finally, the Judges are appointed by the President and the Senate; and, of course, as these are elected by the States, they are appointed through their agency.

But, however strong be the proofs of its federal character derived from this source, that portion which provides for the amendment of the constitution, furnishes, if possible, still stronger. It shows, conclusively, that the people of the several States still retain that supreme ultimate power, called sovereignty;—the power by which they ordained and established the constitution; and which can rightfully create, modify, amend, or abolish it, at its pleasure. Wherever this power resides, there the sovereignty is to be found. That it still continues to exist in the several States, in a modified form, is clearly shown by the fifth article of the constitution, which provides for its amendment. By its provisions, Congress may propose amendments, on its own authority, by the vote of two-thirds of both houses; or it may be compelled to call a convention to propose them, by two-thirds of the legislatures of the several States: but, in either case, they remain, when thus made, mere proposals of no validity, until adopted by three-fourths of the States, through their respective legislatures; or by conventions, called by them, for the purpose. Thus far, the several States, in ordaining and establishing the constitution, agreed, for their mutual convenience and advantage, to modify, by compact, their high sovereign power of creating and establishing constitutions, as far as it related to the constitution and government of the United States. I say, for their mutual convenience and advantage; for without the modification, it would have required the separate consent of all the States of the Union to alter or amend their constitutional compact; in like manner as it required the consent of all to establish it between them; and to obviate the almost insuperable difficulty of making such amendments as time and experience might prove to be necessary, by the unanimous consent of all, they agreed to make the modification. But that they did not intend, by this,

to divest themselves of the high sovereign right, (a right which they still retain, notwithstanding the modification,) to change or abolish the present constitution and government at their pleasure, cannot be doubted. It is an acknowledged principle, that sovereigns may, by compact, modify or qualify the exercise of their power, without impairing their sovereignty; of which, the confederacy existing at the time, furnishes a striking illustration. It must reside, unimpaired and in its plentitude, somewhere. And if it do not reside in the people of the several States, in their confederated character, where,—so far as it relates to the constitution and government of the United States,—can it be found? Not, certainly, in the government; for, according to our theory, sovereignty resides in the people, and not in the government. That it cannot be found in the people, taken in the aggregate, as forming one community or nation, is equally certain. But as certain as it cannot, just so certain is it, that it must reside in the people of the several States: and if it reside in them at all, it must reside in them as separate and distinct communities; for it has been shown, that it does not reside in them in the aggregate, as forming one community or nation. These are the only aspects under which it is possible to regard the people; and, just as certain as it resides in them, in that character, so certain is it that ours is a federal, and not a national government.

WEBSTER'S TRIBUTE TO CALHOUN.

*Speech in the Senate, April 1, 1850, the Day after Mr.
Calhoun's Death.*

I hope the Senate will indulge me in adding a very few words to what has been said. My apology for this presumption is the very long acquaintance which has subsisted between Mr. Calhoun and myself. We are of the same age. I made my first entrance into the House of Representatives in May, 1813, and there found Mr. Calhoun. He had already been in that body for two or three years. I found him then an active and efficient member of the assembly to which he belonged, taking a decided part, and exercising a decided influence, in all its deliberations.

From that day to the day of his death, amidst all the strifes of party and politics, there has subsisted between us, always, and without interruption, a great degree of personal kindness.

Differing widely on many great questions respecting the institutions and government of the country, those differences never interrupted our personal and social intercourse. I have been present at most of the distinguished instances of the exhibition of his talents in debate. I have always heard him with pleasure, often with much instruction, not unfrequently with the highest degree of admiration.

Mr. Calhoun was calculated to be a leader in whatsoever association of political friends he was thrown. He was a man of undoubted genius and of commanding talent. All the country and the world admit that.

His mind was both perceptive and vigorous. It was clear, quick, and strong.

Sir, the eloquence of Mr. Calhoun or the manner of his exhibition of his sentiments in public bodies was part of his intellectual character. It grew out of the qualities of his mind. It was plain, strong, terse, condensed, concise; sometimes impassioned, still always severe. Rejecting ornament, not often seeking far for illustration, his power consisted in the plainness of his propositions, in the closeness of his logic, and in the earnestness and energy of his manner. These are the qualities, as I think, which have enabled him, through such a long course of years, to speak often, and yet always command attention. His demeanor as a Senator is known to us all—is appreciated, venerated by us all. No man was more respectful to others; no man carried himself with greater decorum, no man with superior dignity. I think there is not one of us but felt, when he last addressed us from his seat in the Senate, his form still erect, with a voice by no means indicating such a degree of physical weakness as did, in fact, possess him, with clear tones, and an impressive, and, I may say, an imposing manner, who did not feel that he might imagine that we saw before us a Senator of Rome, when Rome survived.

Sir, I have not in public nor in private life known a more assiduous person in the discharge of his appropriate duties. I have known no man who wasted less of life in what is called recreation or employed less of it in any pursuits not connected with the immediate discharge of his duty. He seemed to have no recreation but the pleasure of conversation with his friends.

Out of the chambers of Congress, he was either devoting himself to the acquisition of knowledge pertaining to the immediate subject of the duty before him or else he was indulging in those social interviews in which he so much delighted.

My honorable friend from Kentucky has spoken in just terms of his colloquial talents. They certainly were singular and eminent. There was a charm in his conversation not often found. He delighted especially in conversation and intercourse with young men. I suppose that there has been no man among us who had more winning manners, in such an intercourse and conversation with men comparatively young, than Mr. Calhoun. I believe one great power of his character, in general, was his conversational talent. I believe it is that, as well as a consciousness of his high integrity, and the greatest reverence for his intellect and ability, that has made him so endeared an object to the people of the State to which he belonged.

Mr. President, he had the basis, the indispensable basis, of all high character; and that was unspotted integrity—unimpeached honor and character. If he had aspirations, they were high, honorable, and noble. There was nothing groveling or low or meanly selfish that came near the head or the heart of Mr. Calhoun. Firm in his purpose, perfectly patriotic and honest, as I am sure he was, in the principles that he espoused, and in the measures that he defended, aside from that large regard for that species of distinction that conducted him to eminent stations for the benefit of the republic, I do not believe he had a selfish motive or selfish feeling.

However, sir, he may have differed from others of us in his political opinions or his political principles, those principles and those opinions will now descend to posterity under the sanction of a great name. He has lived long enough, he has done enough, and he has done it so well, so successfully, so honorably, as to connect himself for all time with the records of his country. He is now an historical character. Those of us who have known him here will find that he has left upon our minds and our hearts a strong and lasting impression of his person, his character, and his public performances, which, while we live, will never be obliterated. We shall, hereafter, I am sure, indulge in it as a grateful recollection that we have lived in his age, that we have been his contemporaries, that we have seen him and heard him and known him. We shall

delight to speak of him to those who are rising up to fill our places. And, when the time shall come when we ourselves shall go, one after another, in succession to our graves, we shall carry with us a deep sense of his genius and character, his honor and integrity, his amiable deportment in private life, and the purity of his exalted patriotism.

VON HOLST ON CALHOUN.

From his Life of Calhoun.

Life is not only "stranger than fiction," but frequently also more tragical than any tragedy ever conceived by the most fervid imagination. Often in these tragedies of life there is not one drop of blood to make us shudder, nor a single event to compel the tears into the eye. A man endowed with an intellect far above the average, impelled by a high-soaring ambition, untainted by any petty or ignoble passion, and guided by a character of sterling firmness and more than common purity, yet, with fatal illusion, devoting all his mental powers, all his moral energy, and the whole force of his iron will to the service of a doomed and unholy cause, and at last sinking into the grave in the very moment when, under the weight of the top-stone, the towering pillars of the temple of his impure idol are rent to their very base,—can anything more tragical be conceived? . . .

It was his solemn conviction that throughout his life he had faithfully done his duty, both to the Union and to his section, because, as he honestly believed slavery to be "a good, a positive good," he had never been able to see that it was impossible to serve at the same time the Union and his section, if his section was considered as identical with the slavocracy. In perfect good faith he had undertaken what no man could accomplish, because it was a physical and moral impossibility: antagonistic principles cannot be united into a basis on which to rest a huge political fabric. Nullification and the government of law; State supremacy and a constitutional Union, endowed with the power necessary to minister to the wants of a great people; the nationalization of slavery upon the basis of States-rightism in a federal Union, composed principally of free communities, by which slavery was considered a sin and

a curse; equality of States and constitutional consolidation of geographical sections, with an artificial preponderance granted to the minority,—these were incompatibilities, and no logical ingenuity could reason them together into the formative principle of a gigantic commonwealth. The speculations of the keenest political logician the United States had ever had ended in the greatest logical monstrosity imaginable, because his reasoning started from a *contradictio in adjecto*. This he failed to see, because the mad delusion had wholly taken possession of his mind that in this age of steam and electricity, of democratic ideas and the rights of man, slavery was “the most solid foundation of liberty.” More than to any other man, the South owed it to him that she succeeded for such a long time in forcing the most democratic and the most progressive commonwealth of the universe to bend its knees and do homage to the idol of this “peculiar institution”; but therefore also the largest share of the responsibility for what at last did come rests on his shoulders.

No man can write the last chapter of his own biography, in which the *Facit* of his whole life is summed up, so to say, in one word. If ever a new edition of the works of the greatest and purest of pro-slavery fanatics should be published, it ought to have a short appendix,—the Emancipation Proclamation of Abraham Lincoln.

John C. Calhoun (1782-1850) was the pre-eminent representative of the doctrine of State Rights, as Daniel Webster was the pre-eminent representative of the doctrine of National Sovereignty, in the great controversy which raged in the country uninterruptedly in various forms from the time of the Constitutional Convention until its final settlement by the logic of events in the Civil War. “Liberty and union, now and forever, one and inseparable,” was the great watchword of Webster. It was this emblazoned on our ensign which he wished might greet his last earthly vision. “If you should ask me,” Calhoun once said, “the word that I would wish engraven on my tombstone, it is *Nullification*.” It was in the debate between Webster and Calhoun in February, 1833, immediately after the passage of the nullification act by South Carolina,—an act declaring the national tariff act of 1832 null and void and forbidding the collection of duties at any port in the State, threatening secession if interfered with,—and in the famous debate between Webster and Senator Hayne, of South Carolina, three years before, while South Carolina was threatening nullification and while Calhoun was Vice-President of the United States and president of the Senate, that the two opposing principles received their most powerful presentation upon the floor of Congress. The student should read (Calhoun's Works, vol. i.) Calhoun's speech on the Revenue Collection (Force) Bill, February 15-16, 1833, and his speech on his Resolutions in support of State Rights, February 26, 1833. The first of these famous resolutions was, “That the people of the several States comprising these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the union, of which the said compact is the bond, is a union between the States ratifying the same.” The student should also read the various addresses prepared by Calhoun for the legislature and people of South Carolina during the nullification period, 1828-32, setting forth their theory of their relation to the general government (Calhoun's Works, vol. vi.).

But perhaps nowhere else did Calhoun expound his views so systematically as in his "Discourse on the Constitution and Government of the United States," whose introductory sections are reprinted in the present leaflet. This was the second of two important essays in political philosophy written in 1849, but not published until after his death. The first of the two essays was a general "Disquisition on Government"; and of this posthumous work John Stuart Mill spoke as that of one who had "displayed powers as a speculative political thinker superior to any who has appeared in American politics since the authors of 'The Federalist.'" These essays occupy together the whole of the first volume of Calhoun's Works.

It must not be supposed that the theory that the United States is a confederacy was exclusively a Southern theory, and the theory of a nation a Northern one. Both theories have been operative in both sections. See Powell's "Nullification and Secession in the United States." Hayne's great speech upon State Rights should always be read in connection with Webster's famous reply to it, especially for its historical survey of the attitude of New England and the North in 1815 and preceding years. A still more powerful presentation of this—one of the greatest of all American political papers—is the address of John Quincy Adams, first published by Henry Adams in his "Documents relating to New England Federalism." The strong national theory and sentiment upon which our government now rests have been a gradual development; and Webster's great speeches were even more important for the history which they made than for that which they expounded.

The most scholarly and critical life of Calhoun is that in the American Statesmen Series, by Von Holst, whose Constitutional History of the United States is also largely devoted to the study of the long struggle with the State Rights doctrine, of which Calhoun was the great champion. There is an earlier biography by John S. Jenkins, in which several of Calhoun's most significant and representative speeches are incorporated; and this will be of use to those who do not have access to the edition (in 6 vols.) of Calhoun's Works. The long article on Calhoun in the Cyclopædia of American Biography was written by J. Randolph Tucker, and is of unusual value. The lives of Webster and his replies to Calhoun and Hayne should be consulted. The bibliography for the whole period of Calhoun's public life in Channing and Hart's "Guide to American History" is very complete and well arranged. See especially the sections on "Theories of the Constitution," "Tariff and Nullification, 1828-32," and "Public Controversy as to Slavery."

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